

LAW OFFICES OF  
**DANIEL A. MCGUINNESS, PC**

353 LEXINGTON AVE, SUITE 900, NEW YORK, NY 10016  
TEL: (212) 679-1990 • FAX (888) 679-0585 • EMAIL: DAN@LEGALMCG.COM

January 16, 2023

VIA ECF

**MEMO ENDORSED**

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re:    *United States of America v. Christian Baez*, 19 Cr. 690 (KPF)**

Dear Judge Failla,

I am counsel to defendant Christian Baez in the above-captioned case. I write to respectfully seek an extension of his current surrender date of January 23, 2023<sup>1</sup> to April 5, 2023. Mr. Baez requests this extension to appear at a hearing challenging his unjust termination from UPS, and to continue physical therapy related to a vehicle accident. Pretrial Services and the Government take no position on this application.

On December 1, 2022, Mr. Baez received a notice of discharge from his employer, UPS. The notice was given following an alleged on-duty altercation with a driver from another company. The incident was also brought to the attention of the NYPD who requested Mr. Baez report to the precinct. Mr. Baez went to the precinct, explained he was the victim of the altercation and provided video evidence to corroborate his account. Mr. Baez was briefly detained while officers reviewed video of the incident. He was released later that day with no charges being filed against him.

Mr. Baez had an initial hearing at UPS to challenge his discharge. That meeting did not result in his favor and he appealed that decision. As stated in the attached letter from his union representative, the final hearing will be held on the matter no later than March 2023. The union representative notes that he believes it was an unjust termination and it is imperative that Mr. Baez attend this meeting.

---

<sup>1</sup> Mr. Baez was sentenced on September 9, 2022 to a term of eight months imprisonment with a pending surrender date of January 20, 2023. He has since received notification to surrender to his designated facility on January 23, 2023.

Hon. Katherine Polk Failla  
January 16, 2023  
Page 2 of 2

Additionally, Mr. Baez sustained a ligament injury on his hand in June of last year and has been undergoing physical therapy to rehabilitate the injury. Mr. Baez's doctor recommends that Mr. Baez should continue physical therapy three times per week until the next reevaluation on April 4, 2023. As such, Mr. Baez respectfully requests an extension of the surrender date to April 5, 2023.

Thank you for your attention to this matter.

Very truly yours,



Daniel A. McGuinness

Cc: All Counsel (via ECF)

Enclosure

Application DENIED. The Court would have considered a modest extension of Defendant's surrender date in order to permit Defendant to participate in further hearings related to his employment discharge, but will not extend this date several months into the future. Indeed, the Court only permitted Defendant to surrender in January 2023 because Defendant was working at UPS. Further, Defendant could have notified the Court of any issues associated with his physical therapy at his sentencing hearing, and the Court will not extend his surrender date solely because of his physical therapy schedule.

The Clerk of Court is directed to terminate the pending motion at docket entry 260.

Dated: January 17, 2023  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE